UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION 1:18-cv-72-FDW

JESSE J. MONTGOMERY,)
Plaintiff,)
vs.	ORDER
M. LOLLEY, et al.,)
Defendants.))
)

THIS MATTER is before the Court on a periodic status review of Plaintiff's action filed pursuant to 42 U.S.C. § 1983. On August 14, 2018, this Court entered an Order instructing Plaintiff to fill out and return summons forms for service of process on Defendants by the U.S. Marshals Service. (Doc. No. 5). A copy of the Order and a blank summons form was mailed to Plaintiff at his address of record at the Henderson County Detention Center. To date, Plaintiff has not returned the summons forms to the Clerk for service of process by the U.S. Marshal. On September 7, 2018, the August 14 Order and a blank summons form was returned to the Court as undeliverable. (Doc. No. 6). Telephonic inquiry to the Henderson County Detention Center revealed that Plaintiff has been released and his current whereabouts are unknown. (Id.). It appears that Plaintiff may have abandoned this action.

IT IS, THEREFORE, ORDERED that:

(1) Plaintiff shall have fourteen days from the date of this Order in which to either return the filled-out summons forms to the Clerk for service of process on Defendants, or to respond to this Order showing cause for why he has not returned the summons forms to the Clerk for service of process. If Plaintiff fails to respond

to this Order, this action will be dismissed without prejudice and without further notice to Plaintiff.

(2) The Clerk of Court is instructed to mail a copy of this Order, the August 14 Order (Doc. No. 5), and a blank summons form to Plaintiff at his address of record as well as the Henderson County Probation Office.

Signed: September 12, 2018

Frank D. Whitney

Chief United States District Judge